

**Facsimile Transmission Sheet****PIPER RUDNICK LLP**

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
www.piperrudnick.com

PHONE (202) 861-3900  
FAX (202) 223-2085 or  
(202) 861-3877

**SENDER'S INFORMATION:**

Steven B. Kelber  
PHONE (202) 861-6675  
E-MAIL  
[steven.kelber@piperrudnick.com](mailto:steven.kelber@piperrudnick.com)

Perry E. Van Over  
PHONE (202) 861-3917  
E-MAIL  
[perry.vanover@piperrudnick.com](mailto:perry.vanover@piperrudnick.com)

**FAXED COPY RECEIVED****MAY 28 2003****TECHNOLOGY CENTER 3700**

<b>To:</b>	Examiner Victor Nguyen
<b>Company:</b>	U.S. Patent and Trademark Office Group Art Unit: 3731
<b>Phone:</b>	(703) 746-3982
<b>Fax:</b>	(703) 305-3590
<b>RE:</b>	U.S. Application Serial No.: 09/881,045 Filed: June 15, 2001 Attorney Docket No.: 9528-005-27
<b>Date:</b>	May 28, 2003
<b>Number of Pages (including fax sheet):</b>	4
<b>Attorney Number</b>	11537
<b>Client/Matter Number</b>	303186-23

The information contained in this facsimile message is confidential and, if addressed to our client or certain counsel, is subject to the attorney-client or work product privilege, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U. S. Postal Service.

**For internal use only:**

If confirmation has not been received by 7:30 p.m., Support Services should:

- ☐ Send my facsimile to its recipient by courier for next day delivery, and notify me. (Provide address and details on reverse of this form.)
- ☐ Attempt to transmit fax until \_\_\_\_\_ (please indicate time). If transmission not confirmed, please notify me.
- ☐ Continue faxing until 8:00 p.m. If transmission not confirmed, discontinue and notify me.

Signature \_\_\_\_\_

**Comments: VIA HAND CARRY AND FACSIMILE**

Dear Examiner Nguyen:

Further to our teleconference May 28, 2003 regarding the above-reference patent application, attached please find a second transmission of the facsimile Communication that was earlier transmitted to FAX (703) 305-3590 and hand-carried on May 23, 2003 to Group 3731. Please note that check for the one-month extension fee was also hand-carried to the U.S. Patent Office on May 23, 2003. Thank you for your assistance.

Perry E. Van Over/ Registration No.: 42,197

HAND DELIVERY TO GROUP 3731

PATENT/DC

Docket No.: 9528-005-27By: SBK/PEVO/11bPIPER RUDNICK No.: 303186-23Serial No.: 09/881,045In the Matter of the Application of: STEPHEN W. DOWNINGFor: APPARATUSES AND METHODS FOR PERFORMING MINIMALLY INVASIVE  
DIAGNOSTIC AND SURGICAL PROCEDURES INSIDE OF A BEATING HEART

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ \_\_\_\_\_ pp. Specification & \_\_\_\_\_ Claims/Drawings \_\_\_\_\_ Sheets
- ☐ Combined Declaration, Petition & Power of Atty. (\_\_\_\_ Pages/Executed)
- ☐ Utility Patent Application Transmittal
- ☐ Continued Prosecution Application
- ☐ Request for Continued Examination (RCE)
- ☐ List of Inventors' Names and Addresses
- ☒ Fee Transmittal
- ☒ Check for \$ 55.00 ☐ Dep. Acct. Order Form
- ☐ Assignment \_\_\_\_\_ pages (executed) ☐ PTO-1595
- ☐ Request for Priority
- ☐ Priority Doc. ( )
- ☐ White Advance Serial Number Postcard
- ☐ Preliminary Amendment
- ☐ Letter to Official Draftsman
- ☐ Request for Approval of Proposed Drawing Changes
- ☐ Drawings \_\_\_\_\_ sheets
- ☒ Letter (Transmittal)
- ☒ Communication to Examiner
- ☒ Request for Extension of Time (1 month)
- ☐ Information Disclosure Statement ☐ PTO-1449
- ☐ List of Related Cases
- ☐ Cited Documents ( )
- ☐ \_\_\_\_\_ Search Report
- ☐ Statement of Relevancy
- ☐ Restriction Response ☐ Election Response
- ☐ Notice of Appeal
- ☐ Appeal Brief
- ☐

Rev. 4/02

DUE DATE: JUNE 23, 2003RECEIVED  
MAY 23 2003  
MAIL ROOM

**COPY**

DOCKET NO. 9528-005-27

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: STEPHEN W. DOWNING ART UNIT: 3731  
SERIAL NO.: 09/881,045 EXAMINER: NGUYEN, VICTOR  
FILING DATE: JUNE 15, 2001  
FOR: APPARATUSES AND METHODS FOR PERFORMING MINIMALLY  
INVASIVE DIAGNOSTIC AND SURGICAL PROCEDURES INSIDE OF A  
BEATING HEART

**COMMUNICATION TO EXAMINER**

ASSISTANT COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA, VA 22313-1450

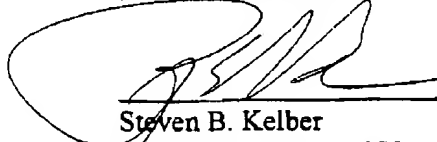
SIR:

As agreed in a teleconference on May 22, 2003 with Examiner Victor Nguyen and undersigned counsel, Applicant hereby vacates the last paper that was filed on May 21, 2003 submitted as a Response to the Restriction Requirement dated April 23, 2003.

Applicant will submit a Response to the Restriction Requirement/Election of Species Requirement within an extension period of the current due date set by the United States Patent and Trademark Office. A Request for Extension of Time for one month is attached hereto and incorporated herein by reference, thereby extending the date for Response from May 23, 2003 to June 23, 2003.

Respectfully submitted,

PIPER RUDNICK LLP

  
\_\_\_\_\_  
Steven B. Kelber  
Registration No. 30,073  
Attorney of Record

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
Telephone No. (202) 861-3900  
Facsimile No. (202) 223-2085

Perry E. Van Over  
Registration No. 42,197

**Facsimile Transmission Sheet****PIPER RUDNICK LLP**

1200 Nineteenth Street, N.W.  
Washington, D.C. 20036-2412  
[www.piperrudnick.com](http://www.piperrudnick.com)

PHONE (202) 861-3900  
FAX (202) 223-2085 or  
(202) 861-3877

**SENDER'S INFORMATION:**

Steven B. Kelber  
PHONE (202) 861-6675  
E-MAIL  
[steven.kelber@piperrudnick.com](mailto:steven.kelber@piperrudnick.com)

Perry E. Van Over  
PHONE (202) 861-3917  
E-MAIL  
[perry.vanover@piperrudnick.com](mailto:perry.vanover@piperrudnick.com)

To:	Examiner Victor Nguyen
Company:	U.S. Patent and Trademark Office Group Art Unit: 3731
Phone:	(703) 305-4898
Fax:	(703) 305-3590
RE:	U.S. Application Serial No.: 09/881,045 Filed: June 15, 2001 Attorney Docket No.: 9528-005-27
Date:	May 23, 2003
Number of Pages (including fax sheet):	3
Attorney Number	11537
Client/Matter Number	303186-23

The information contained in this facsimile message is confidential and, if addressed to our client or certain counsel, is subject to the attorney-client or work product privilege, and is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U. S. Postal Service.

**For internal use only:**

If confirmation has not been received by 7:30 p.m., Support Services should:

- ☐ Send my facsimile to its recipient by courier for next day delivery, and notify me. (Provide address and details on reverse of this form.)
- ☐ Attempt to transmit fax until \_\_\_\_\_ (please indicate time). If transmission not confirmed, please notify me.
- ☐ Continue faxing until 8:00 p.m. If transmission not confirmed, discontinue and notify me.

Signature \_\_\_\_\_

**Comments: VIA HAND CARRY AND FACSIMILE**

Dear Examiner Nguyen:

Further to our teleconference May 22, 2003 regarding the above-reference patent application, attached please find a copy of the Communication that was hand-carried today to Group 3731.

  
Perry E. Van Over  
Registration No.: 42,197